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HIGH COURT OF CHHATTISGARH AT BILASPUR

WP227 No. 1368 of 2026

Branch Manager Sbi General Insurance Company, Office - 2nd Floor, Shop Number 207-208, Rama Port, Main Road, Near Mahima Big Bazar, Bilaspur 495001

... Petitioner(s)

versus

1 - Ajju Jekad S/o Jekab Aged About 51 Years R/o Behind Agriculture Communication, Balaji Temple Road, Iti Rampur, Korba, Tehsil And District Korba C.G.

2 - Neeraj Kumar Nirala S/o Lt. Ramdayal Nirala, Aged About 33 Years R/o House No. Mqk / 7, Bulgi Colony, Ps Bankimogra Current Address Cseb, Qtr.No. Se 576, Ps Civil Line Rampur, Korba, Tehsil And District Korba C.G.

3 - Mesors Mahindra Transport, By Arvind Kumar Sharma, House No. 27, Civil Line, Kholi No.27, Vikas Nagar Bilaspur, Tehsil And District Bilaspur C.G.

... Respondent(s)

For Petitioner(s) : Mr. K.P.S. Gandhi, Advocate

(Hon’ble Shri Justice Ravindra Kumar Agrawal, J.)

Order on Board

29/10/2026

1. Heard.

2. Present is a writ petition under Article 227 of the Constitution of India filed by the petitioner against the order dated 11.11.2025 passed by learned Third Additional Motor Accident Claims Tribunal, Korba in MACT Case No.177 of 2025, whereby the objection raised by the petitioner regarding maintainability of the claim application on the ground of delay has been rejected.

3. Learned counsel appearing for the petitioner would submit that the petitioner is the non-applicant No.3 before the learned Claims Tribunal where the respondent No.1 is prosecuting a claim case under Section 166 of the Motor Vehicles Act, 1988 for compensation on account of injury received by him in a motor accident that occurred on 08.11.2023. He would submit that the incident was occurred on 08.11.2023, whereas he filed a claim case for compensation before the learned Claims Tribunal on 08.04.2025 that is after about more than one and a half year. As per the amended provision of Section 166(3) of the Motor Vehicles Act, 1988, the claim application should be made within six months of the occurrence of the incident and thus the application of the respondent No.1 is apparently barred by limitation. He would further submit that although the issue is pending before the Hon'ble Supreme Court in SLP (C) No. 8412-8413/2023 in which the Hon'ble Supreme Court, vide order dated 04.11.2025 directed that during pendency of the SLP before the Hon'ble Supreme Court, the Tribunal or the High Courts shall not dismiss the claim petition on the ground of such

petition as barred by limitation as prescribed under sub-section (3) or Section 166(3) of the Motor Vehicles Act, 1988. He would further submit that subsequent to the order dated 04.11.2025 in SLP (C) No. 8412-8413/2023, the Hon'ble Supreme Court vide order dated 16.12.2025 directed that the pendency of the matter before the Hon'ble Supreme Court shall not come in the way of claim petitions being adjudicated by the tribunals except finalising the judgments. Therefore, he made a limited prayer that the proceeding of the claim case may go on, but final award may not be passed in compliance of the aforesaid order dated 16.12.2025 passed by Hon'ble Supreme Court.

4. I have heard learned counsel for the petitioner and perused the material annexed with the petition.

5. The controversy involved in the present writ petition is maintainability of the claim application which has been filed after about one and a half year of the date of occurrence of accident. The Hon'ble Supreme Court in SLP (C) No. 8412-8413/2023 has observed in its order dated 04.11.2025 that *“It is made clear that during the pendency of these petitions, the tribunal or the High Courts shall not dismiss the claim petitions on the ground of such petitions as barred by limitation as prescribed under sub-section (3) or Section 166(3) of the Motor Vehicles Act, 1988.”*.

6. Subsequently, the Hon'ble Supreme Court vide order dated 16.12.2025 directed that *“The pendency of these matters would also not come in the way of claim petitions being adjudicated by the Tribunals except finalizing the judgments.”.*

7. Since the petitioner have claimed a limited prayer that proceeding of the claim case may go on but final award may not be passed in view of the order dated 16.12.2025 passed by Hon'ble Supreme Court in SLP (C) No. 8412-8413/2023, the prayer made by the petitioner is reasonable and this Court inclined to direct the Claims Tribunal not to pass final award in the proceeding in view of the order dated 16.12.2025 passed by Hon'ble Supreme Court.

8. Accordingly, the learned Claims Tribunal is directed to proceed with the claim application in accordance with law, however, they shall not pass the final award in the claim proceeding till the final adjudication of the SLP (C) No. 8412-8413/2023 pending before the Hon'ble Supreme Court or any further order passed thereon.

9. With the aforesaid observation, the present writ petition is **disposed of**.

Sd/-
(Ravindra Kumar Agrawal)
JUDGE

Sumit